



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 TWELFTH STREET, S.W.

WASHINGTON, D.C. 20554

DA 03-440

News media information 202/418-0500 Far-On-Lkmmmd 202/418-2830 Internet: hQpllwu?v.fcc.gov hp.fcc.gov

Released: February 14, 2003

AT&T WIRELESS SERVICES, INC., CINGULAR WIRELESS LLC, MERIWETHER COMMUNICATIONS LLC, AND SKAGIT WIRELESS, LLC SEEK FCC CONSENT TO ASSIGN CELLULAR AND BROADBAND PERSONAL COMMUNICATIONS SERVICES LICENSES

WT Dkt. No. **03-46**

PLEADING CYCLE ESTABLISHED

Petitions/Comments Due: March **17, 2003**
 Oppositions Due: March **27, 2003**
 Replies Due: April **3, 2003**

Subsidiaries of AT&T Wireless Services, Inc. ("AWS"), subsidiaries of Cingular Wireless LLC ("Cingular"), Meriwether Communications LLC ("Meriwether"), and Skagit Wireless, LLC ("Skagit") (collectively, the "Parties") have filed a series of fourteen applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking Commission consent to the full and partial assignment of cellular and broadband Personal Communications Services ("PCS") licenses and authorizations in various markets. This transaction consists of exchanges of full and partial licenses between AWS and Cingular, Cingular and Meriwether, and Cingular and Skagit. As a result of this transaction, Cingular **will** receive 5, 10, or 15 MHz of PCS spectrum in discrete portions of seven states; AWS will receive 10 MHz of broadband PCS spectrum in discrete portions of five states; and Meriwether and Skagit will receive 10 MHz of PCS spectrum in discrete portions of two states. In addition, AWS will receive the cellular block authorization in the Kauai, Hawaii Rural Service Area ("RSA") along with ancillary microwave facilities that support the system. Upon consummation of this transaction, Cingular will exit the Kauai RSA,² and the current Cingular customers will be transitioned to AWS.³ AWS intends to provide the Cingular customers in the Kauai market with a minimum of 30-days notice of the transition.⁴ The Parties state that, after consummation of this transaction, AWS will directly own and control 25 MHz of cellular spectrum and 10 MHz of PCS spectrum in Kauai.⁵ Additionally, AWS has a non-controlling equity interest in ABC Wireless, L.L.C., which holds a 30 MHz PCS license in Kauai.⁶

¹ 47 U.S.C. § 310(d).

² See Application at Exhibit A, 9.

³ See *id.* at Exhibit A, 10n.18.

⁴ See *id.*

⁵ See *id.* at Exhibit A, 9.

⁶ See *id.*

I. APPLICATIONS

This Public Notice lists three groups of applications for the full and partial assignment of Part 22 cellular licenses and Part 24 PCS licenses. The first group consists of applications related to the exchange of licenses between AWS and Cingular. The second group consists of applications related to the exchange of licenses between Cingular and Meriwether. The third group consists of applications related to the exchange of licenses between Cingular and Skagit.

A. Applications **To** Exchange Licenses Between AWS And Cingular

1. Assignment Applications from AWS to Cingular

The following are applications for consent to assign full and partial licenses from AWS to Cingular. The applications have been assigned the file numbers below:

<u>File Number</u>	<u>Assignor</u>	<u>Lead Call Sign</u>
0001147592	AT&T Wireless PCS, LLC	KNLF221
0001147615	AMT Cellular, LLC	KNLF256
0001147624	QuinCom, Inc.	KNLG928
0001147643	TeleCorp Holding Corp. II, L.L.C.	WPOJ823
0001147639	Tritel C/F Holding Corp.	WPOK616

2. Assignment Applications from Cingular to AWS

The following are applications for consent to assign full and partial licenses from Cingular to **AWS**. The applications have been assigned the file numbers below:

<u>File Number</u>	<u>Assignor</u>	<u>Lead Call Sign</u>
0001146802 ⁷	Ameritech Mobile Communications, LLC	KNKN201
0001146840	BellSouth Mobility LLC	KNLG620
0001146818	Pacific Bell Wireless Northwest, LLC	KNLF283
0001146844	BellSouth Mobility LLC	KNLG613
0001146848	Southwestern Bell Wireless, LLC	KNLF295

B. Applications **To** Exchange Licenses Between Cingular And Meriwether

1. Assignment Applications from Cingular to Meriwether

The following application is for consent to assign a partial license from Cingular to Meriwether. The application has been assigned the file number below:

<u>File Number</u>	<u>Assignor</u>	<u>Lead Call Sign</u>
0001146821	Southwestern Bell Wireless, LLC	KNLF295

⁷ ULS File No. 0001 146802 has been designated as the lead application, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number.

2. Assignment Applications from Meriwether to Cingular

The following application is for consent to assign a license from Meriwether to Cingular. The application has been assigned the file number below:

<u>File Number</u>	<u>Assignor</u>	<u>Lead Call Sign</u>
0001148062	Meriwether Communications, LLC	KNLG935

C. Applications To Exchange Licenses Between Cingular And Skagit

1. Assignment Applications from Cingular to Skagit

The following application is for consent to assign a license from Cingular to Skagit. The application has been assigned the file number below:

<u>File Number</u>	<u>Assignor</u>	<u>Lead Call Sign</u>
0001146851	BellSouth Mobility LLC	KNLG622

2. Assignment Applications from Skagit to Cingular

The following application is for consent to assign licenses from Skagit to Cingular. The application have been assigned the file number below:

<u>File Number</u>	<u>Assignor</u>	<u>Lead Call Sign</u>
0001148051	Skagit Wireless, LLC	KNLH623

II. DESIGNATED ENTITY AND ENTREPRENEURIAL ELIGIBILITY ISSUES

The parties state that this transaction will include the assignment of C and F Block PCS licenses to Cingular.⁸ The Commission's Rules state that "[n]o assignment or transfer of control of a license for frequency Block C or frequency Block F won in closed bidding pursuant to the eligibility requirements of § 24.709 will be granted," except when, among other things, "[t]he application for assignment or transfer of control is filed on or after the date the licensee has notified the Commission pursuant to § 24.203(c) that its five-year construction requirement has been satisfied." The parties state that the five-year build-out notifications have been filed for all of the C and F block licenses implicated in the assignment applications. Additionally, the parties acknowledge that full payment of the remaining unpaid principal and any unpaid interest accrued through the eventual date of the assignments and any other payments otherwise required by Section 1.2111 of the Commission's rules will be required to be made immediately prior to closing."

⁸ See ULS File Nos. 0001147624, 0001147643, 0001147639, 0001148062, and 0001148051 (assigning licenses from QuinCom, Inc., TeleCorp Holding Corp. II, LLC, Tritel C/F Holding Corp., Meriwether, and Skagit to subsidiaries of Cingular).

⁹ 47 C.F.R. § 24.839(a)(6).

¹⁰ See, e.g., 47 C.F.R. § 1.2111(c).

III. GENERAL INFORMATION

The assignment applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice." Interested parties may file comments or petitions to deny no later than **March 17, 2003**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Persons and entities that file comments will have those comments considered **but** do not become parties to the proceeding and may not be able to participate **as** fully as petitioners. Oppositions to such pleadings may be filed no later than **March 27, 2003**. Replies to such pleadings may be filed no later than **April 3, 2003**. All filings concerning matters referenced in this Public Notice should refer to **DA 03-440** and **WT Docket No. 03-46**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's current procedures for the submission of filings and other documents," submission in this matter may be filed electronically (*i.e.*, by the Commission's Electronic Comment Filing System (ECFS)) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹³ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of **an** electronic submission must be filed. If multiple docket numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket number referenced in the caption. **In** completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send **an** e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Vistrionix, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton **Drive**, Capitol Heights, **MD** 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed

¹¹ See 47 U.S.C. § 309(b).

¹² See *In the Matter of Implementation of Interim Electronic Filing Procedures for Certain Commission Filings*, Order, FCC 01-345 (rel. Nov. 29, 2001); see also *Public Notice*, "FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence," **DA 01-2919** (rel. Dec. 14, 2001).

¹³ See Electronic Filing of Documents in Rulemaking Proceedings, 63 Fed. Reg. **24,121** (1998).

to 445 12th Street, SW, Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings) to: (1) the Commission's duplicating contractor, Qualex International, at qualexint@aol.com or (202) 863-2898 (facsimile); (2) **Erin McGrath**, Commercial Wireless Division, Wireless Telecommunications Bureau, at emcgrath@fcc.gov or (202) 418-7447 (facsimile); (3) **Susan Singer**, Commercial Wireless Division, Wireless Telecommunications Bureau, at ssinger@fcc.gov or (202) 418-7447 (facsimile); and (4) **Rita Cookmeyer**, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at rcookmey@fcc.gov or (202) 418-2923 (facsimile).

For further information, contact Erin McGrath, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-7240, or Rita Cookmeyer, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, at (202) 418-0660.

-FCC-